

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CASE NO.: 1:21-CV-00067

DMARCIAN, INC.,

Plaintiff,

v.

DMARC ADVISOR BV,
f/k/a dmarcian Europe BV,

Defendant.

**PLAINTIFF'S MOTION IN LIMINE
TO EXCLUDE
ENTERPRISE COURT REPORT
AND DUTCH COURT RULINGS**

Plaintiff dmarcian Inc. hereby moves the Court to enter an order prohibiting Defendant DMARC Advisor BV f/k/a dmarcian Europe BV ("Defendant" or "DBV") from introducing at trial the following evidence:

- (a) The investigation report prepared by H.W. Wefers Bettink pursuant to an investigation ordered by the Dutch Enterprise court (Doc. 93-1 & 93-2);
- (b) The decision of the Enterprise Court based on Bettink's Report (Doc. 163.1 & 163.4);
- (c) Various rulings in proceedings in the Dutch Courts:

Exhibit 1: Translations of the following rulings in the interim injunction proceedings DBV initiated against dmarcian and Tim Draegen: February 1, 2021 ruling from the Court of Rotterdam; May 31, 2021 ruling from the Court of Rotterdam; May 23, 2023

ruling from the Hague Appellate Court; and, October 25, 2024 ruling from the Netherlands Supreme Court.

Exhibit 2: Informal (“DeepL”) translations of the following rulings from the case DBV initiated against Ton Fernandes and Ben Van der Laan in the North Holland District Court: April 23, 2021 ruling from the North Holland Court; supplement to April 23, 2021 ruling from the North Holland Court; and, February 13, 2024 ruling from the Amsterdam Court of Appeal.

Exhibit 3: Translations of the following rulings from the case of DBV against dmarcian and Shannon Draegen in the Rotterdam Court: July 18, 2022 ruling from the Rotterdam court and February 20, 2024 appellate court ruling.

Exhibit 4: Translations of the following rulings from the case of DBV v. dmarcian and Timothy Draegen: December 14, 2022 ruling from the Rotterdam Court and December 20, 2023 ruling from the Rotterdam Court.

Plaintiff certifies under LCvR 7.1(b) that the parties have conferred on their respective motions in limine and that Defendant objects to the relief requested by this motion.

This the 24th day of January, 2025.

/s/ Pamela S. Duffy

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AI CERTIFICATION

Undersigned counsel hereby certifies that no artificial intelligence was employed in doing the research for the preparation of this document, with the exception of such artificial intelligence embedded in the standard on-line legal research sources Westlaw, Lexis, FastCase, and Bloomberg.

Every statement and every citation to an authority contained in this document has been checked by an attorney in this case and/or paralegal working at his/her direction as to the accuracy of the proposition for which it is offered, and the citation to authority provided.

This the 24th day of January, 2025.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE ENTERPRISE COURT REPORT AND DUTCH COURT RULINGS** was served upon counsel for all other parties to this action listed below by efilng a copy of the same utilizing the Western District of North Carolina's efilng system:

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This the 24th day of January, 2025.

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